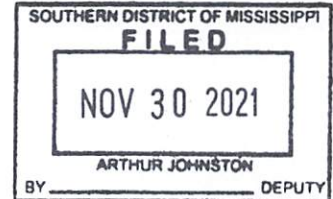


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



JIMMY DARRELL GILES

PLAINTIFF

VERSUS

No. 3:21-cv-766-CWR-LGI

CHRISTIAN LEE DEDMON, LUKE STICKMAN, and
DARIAN LAURANT TOBIAS

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

This is a civil action to recover actual compensatory and punitive damages for the Defendants' violation of Mr. Giles' First, Fourth and Fourteenth Amendment rights to be free from arrest without probable cause, prosecution without probable cause and retaliation. The following averments support this civil action:

PARTIES

1. The Plaintiff, Jimmy Darrell Giles, is an adult resident citizen of Pearl, Rankin County, MS.
2. The Defendants, Christian Lee Dedmon, Luke Stickman, and Darian Laurant Tobias, are adult resident citizens of Rankin County, MS.

JURISDICTION & VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (Federal Question) and 28 U.S.C. § 1343(a)(3) (Civil Rights).
4. Venue is proper in the Southern District of Mississippi pursuant to 28 U.S.C. § 1391, since the Defendants reside in this judicial district and a substantial part of the events and omissions giving rise to the claim occurred in this judicial district.

CAUSE OF ACTION

5. On, or about, Sunday, December 9, 2018, at approximately 10:45 a.m., Mr. Giles was inside his home when he heard gunfire coming from his next-door neighbor, Jaron Carter, a member of the Gangster Disciples, a violent criminal street gang, (“Gangster”). Gangster was firing an AR-15 rifle very close to Mr. Giles’ 81-year-old mother’s home. Gangster was living with his grandparents, Charles and Nell Gipson, who had moved from Jackson, Mississippi to 193 Pear Lane, Pearl, MS, which is located immediately next door to 177 Pear Lane, Pearl, MS, the home of Mr. Giles’ 81-year-old mother. Gangster had been firing the AR-15 rifle almost daily right on top of Mr. Giles’ 81-year-old mother for well over a year which Mr. Giles had complained about to the Rankin County Sheriff’s Office (“RCSO”), the Mississippi Bureau of Investigation, and the Federal Bureau of Investigation, many times requesting they fully investigate the RCSO and their adversarial posture vis-à-vis Mr. Giles especially regarding his complaints to the RCSO. See Exhibit “A” attached.

6. When Charles and Nell Gipson first moved next door to Mr. Giles and his mother, Mr. Giles gifted Charles and Nell Gipson with fresh milk from his Jersey cows, fresh honey from his honey bees, fresh eggs from his chickens and fishing rights to his pond.

7. The almost daily gunfire from Gangster was very disturbing to Mr. Giles’ 81-year-old mother and her dogs which had panic attacks because of the very loud gunfire. The report of the AR-15 was very loud.

8. In defense of his 81-year-old mother and his childhood home, Mr. Giles

conducted a defensive safety gun check drill, safely firing his grandfather's revolver into his ground concerned that Gangster and his gang member friends would try to kill his mother. Charles Gipson had told Mr. Giles when he first moved next door that if he had stayed in Jackson, MS he might have to kill someone.

9. During his defensive safety gun check drill, Mr. Giles heard Charles Gipson tell Gangster "Don't point that at him, go inside." But Gangster remained outside. Mr. Giles also heard Gangster say, "You are firing in the right direction."

10. Approximately ten minutes later, three (3) RCSO SUV vehicles arrived at Charles and Nell Gipson's home. Charles Gipson told the three (3) RCSO deputies, "I want to file charges." Defendant Dedmon told Charles Gipson, "You will need to go to Rankin County Justice Court to file charges."

11. The three (3) RCSO deputies then drove to Mr. Giles' home at 173 Pear Lane, Pearl, MS, got out of their vehicles and walked to Mr. Giles' locked gate at the front of his property. Defendant Stickman respectfully greeted Mr. Giles as he approached his locked gate by saying, "Good morning." Mr. Giles responded respectfully by saying, "Good morning." Defendant Stickman then stated, "Your neighbors are concerned about your gunfire." Mr. Giles responded, "I'm concerned about my neighbor's gunfire." Defendant Stickman then stated, "Why didn't you call us?" Mr. Giles responded, "I've called you many times." Defendant Dedmon then stated in a disrespectful manner, "It's always something here." Mr. Giles had telephoned the RCSO approximately fifty (50) times over several years concerning Gangster's gunfire, litter, garbage, and profanity.

12. Defendant Tobias then approached Mr. Giles' gate and in a very disrespectful manner, siding with Gangster said, "Nah, nah, nah, nah your neighbors have video of you shooting unsafely." Mr. Giles responded by saying, "You stinking nigger." Defendant Stickman then called Mr. Giles a "Nazi." Mr. Giles then told Defendant Stickman, Defendant Dedmon and Defendant Tobias, "If you don't have a warrant, get the fuck out of here." At no point during this encounter did any of the three RCSO deputies/defendants indicate in any way that Mr. Giles had broken any law or that he was under arrest.

13. Defendant Stickman, Defendant Dedmon and Defendant Tobias then got back in their vehicles and returned to the Gipson home. Mr. Giles walked over to his tall fence line separating his property from the Gipson property, always remaining on his property and completely silent and unarmed. Defendant Dedmon was walking towards the Gipson garage and then turned and walked back towards Mr. Giles' fence and property line and stated, "Return to your gate." Mr. Giles responded, "I'm standing on my property. I'm not going anywhere." Defendant Dedmon then puffed his cheeks out and exhaled saying, "You are under arrest." Defendant Dedmon then placed his two hands on top of the barb wire topping Mr. Giles' tall fence and hesitated. Mr. Giles then said, "I'll go get a key from my mother and let you in." Mr. Giles then turned and started walking towards his mother's home. Defendant Stickman, Defendant Dedmon and Defendant Tobias then crossed Mr. Giles' fence, invading his home and ran after him with weapons drawn ordering Mr. Giles to stop and put his hands behind his back. Mr. Giles complied, and he was placed in

handcuffs. Mr. Giles called Defendant Stickman, Defendant Dedmon and Defendant Tobias “puny little shits.” Defendant Stickman, Defendant Dedmon and Defendant Tobias then marched Mr. Giles in handcuffs to his mother’s gate where Defendant Dedmon told Mr. Giles, “Cross the gate.” Mr. Giles responded, “I cannot do that. My mother has a key to the gate.” Defendant Dedmon then left and walked to Mr. Giles’ mother’s house to get the key to the gate.

14. Defendant Dedmon walked to Mr. Giles’ mother’s front door where Mr. Giles’ mother had opened her front door. Defendant Dedmon told Mr. Giles’ mother, “Hey sweetie, I need a key to open your gate to get out.” Mr. Giles’ mother said, “How did you get in?” Defendant Dedmon responded, “I hopped over the fence.” Mr. Giles’ mother replied, “Can’t you hop back over?” Defendant Dedmon responded, “I don’t want to with your son handcuffed. He told me you had a key.” Mr. Giles’ mother said, “Do you have to arrest him?” Defendant Dedmon said, “Yes, I tried to reason with him but he called me ‘a Sorry little piece of shit.’” Mr. Giles’ mother gave Defendant Dedmon a key to her gate and asked him to bring it back up to her.

15. As Mr. Giles stood on his sacred soil in his Castle handcuffed at his mother’s gate, he told Defendant Tobias, “You look like you’ve got a little dick.” Defendant Tobias then commented to Defendant Stickman, “He sure is confident.” Defendant Tobias then told Mr. Giles, “I’m going to return and rape your mother.” Defendant Stickman then told Mr. Giles, “I’m going to return and rape your mother.” Mr. Giles responded to Defendant Stickman, telling him, “You wouldn’t be so tough without that badge and gun.” Defendant Stickman then told Mr. Giles, “I’m going to

pay you a visit.” Defendant Stickman also asked Mr. Giles, “How tall are you, six (6) feet?” Defendant Stickman also told Mr. Giles, “You have bad breath.” Mr. Giles then turned and yelled, “You piece of shit” at Gangster, who was watching him under arrest at his childhood home in handcuffs.

16. Defendant Dedmon returned with a key to Mr. Giles’ mother’s gate and Mr. Giles was marched through the gate in handcuffs. Seeing Gangster and Charles Gipson standing on his property line watching his arrest, Mr. Giles yelled, “You bunch of fucking niggers.” Defendant Dedmon, Defendant Stickman and Defendant Tobias were all armed with weapons but none of them were wearing body cameras as they marched Mr. Giles back towards the Gipson property where their vehicles were parked. Mr. Giles yelled at Charles Gipson, “Charlie, why don’t you move back to Jackson?” Gangster responded, “Why don’t you move to Jackson?”

17. At the approximate time Mr. Giles was being marched through his mother’s gate and back towards the Gipson property where the RCSO deputies had parked their vehicles, Nell Gipson was returning home in her vehicle but not yet on her property.

18. Mr. Giles asked Defendant Dedmon what he was being charged with and Defendant Dedmon responded, “Failure to comply.”

19. As Defendant Dedmon was transporting Mr. Giles to the Rankin County Jail, Mr. Giles called Defendant Dedmon a “cunt.” Defendant Dedmon held his radio microphone up to capture Mr. Giles’ speech. Defendant Dedmon responded, “No one likes dealing with you.” Mr. Giles asked Defendant Dedmon if he played football in high school. Defendant Dedmon responded, “No, I was in the band.”

20. Defendant Dedmon then drove Mr. Giles to the Rankin County Jail where he was strip searched, fingerprinted and photographed. The RCSO jailer asked Mr. Giles upon his arrival at the jail after speaking with Defendant Dedmon, "We aren't going to have any trouble with you, are we?"

21. While he was being photographed and fingerprinted Mr. Giles told a RCSO jailer that two of the RCSO deputies had threatened to rape his mother.

22. Mr. Giles was initially placed in a section of the jail where the inmates and their bedding were congregated but not long afterwards was moved to another section of the jail after being placed in a different colored uniform where the inmates' beds were behind locked doors and not congregated. Mr. Giles was told by other inmates that the color of his uniform designated him as someone who had assaulted a law enforcement officer. Mr. Giles was also required to remove his socks and required to go sockless during his entire incarceration. The jail was very cold, and Mr. Giles was placed in a cell with two other inmates requiring him to lay on the concrete floor because the cell only had two beds.

23. While in jail RCSO investigator Andy Barrett ("Barrett") had Mr. Giles brought to an office where Barrett read three accounts by Defendant Dedmon, Defendant Stickman and Defendant Tobias alleging that Mr. Giles had threatened the three deputies. Barrett told Giles, "I would have shot you." Mr. Giles asked that Barrett read again one of the accounts which included "coon." Mr. Giles told Barrett, "I didn't call him a coon. I called him a nigger." Barrett responded, "You mean the half white deputy?" Mr. Giles told Barrett that he didn't threaten any of the

deputies. Barrett warned Giles to not have any contact with his neighbors.

24. Defendant Dedmon charged Mr. Giles with Disorderly Conduct, Defendant Stickman charged Mr. Giles with Resisting Arrest and Disturbance of the Public Peace.

25. Defendant Dedmon, Defendant Stickman and Defendant Tobias charged Mr. Giles with Retaliation Against a Public Servant.

26. In fact, Mr. Giles had committed no such offenses and the Defendant Dedmon, Defendant Stickman and Defendant Tobias deliberately lied when they charged Mr. Giles with committing disorderly conduct, resisting arrest, disturbance of the public peace and retaliation against a public servant.

27. Mr. Giles said nothing after the deputies left his gate. Mr. Giles remained silent on his property until Defendant Dedmon, Defendant Stickman and Defendant Tobias invaded his home crossing his tall fence, pointed weapons at Mr. Giles and placed Mr. Giles in handcuffs at his childhood home in front of his mother. Only then did Mr. Giles address the Gangster and Charles Gipson. Mr. Giles never said anything to Nell Gipson.

28. Defendant Dedmon, Defendant Stickman and Defendant Tobias then prepared affidavits setting forth their false allegations that Mr. Giles was screaming as he walked from his gate to his property fence line with the Gipson property, that he had resisted arrest, that he had disturbed the public peace and that he had threatened to harm the three (3) deputies.

29. Mr. Giles remained incarcerated for approximately twenty-four hours before his bond was set at \$3,000 for the disorderly conduct, resisting arrest and

disturbance of the public peace charges based on the false allegations and false affidavits of the Defendant Dedmon and the Defendant Stickman and Defendant Tobias and his bond was set at \$5,000 for the retaliation against a public servant charges based on the false allegations and false affidavits of the Defendant Dedmon, the Defendant Stickman, and the Defendant Tobias. Mr. Giles was forced to pay approximately \$925 in order to be released from jail.

30. Mr. Giles was forced to pay approximately \$5,000 for legal representation as a result of the false charges brought against him by the Defendant Dedmon, the Defendant Stickman and the Defendant Tobias. In addition, Mr. Giles was forced to pay \$742 for a copy of the Rankin County Justice Court Trial Transcript on May 10, 2021.

31. Defendant Dedmon, Defendant Stickman and Defendant Tobias damaged Mr. Giles' fence when they crossed it coming onto his property to arrest him.

32. On August 26, 2020, the charge(s) of Retaliation Against a Public Servant against Mr. Giles were remanded. The remand of the charges against Mr. Giles were occasioned by a determination of the Rankin County District Attorney's Office that it was in the interest of justice to do so.

33. On May 24, 2021, the charge of Disorderly Conduct and Resisting Arrest against Mr. Giles were dismissed with prejudice "on the basis that the evidence is insufficient to support a verdict on either charge."

34. The Defendant Dedmon, the Defendant Stickman, and the Defendant Tobias were at all times relevant to this civil action acting under color of law.

35. The Defendant Dedmon, the Defendant Stickman, and the Defendant Tobias at all times relevant to this civil action acted with reckless disregard to Mr. Giles' federally protected rights.

36. All criminal charges brought against Mr. Giles were resolved in Mr. Giles' favor, either by dismissal or remand except for the Disturbance of the Public Peace charge which is pending in Rankin County Court where Mr. Giles is awaiting a trial date on appeal from being found guilty of Disturbance of the Public Peace in Rankin County Justice Court.

Claim 1 (Arrest Without Probable Cause)

37. The Defendant Dedmon, the Defendant Stickman, and the Defendant Tobias are liable to Mr. Giles for arresting him without probable cause in that they subjectively knew that they were fabricating the charges against him for the purpose of arresting him.

38. As a direct and proximate result of the Defendant Dedmon's, the Defendant Stickman's, and the Defendant Tobias' violation of Mr. Giles' constitutional rights, Mr. Giles suffered injury to his property and person.

Claim 2 (Prosecution Without Probable Cause)

39. The Defendant Dedmon, the Defendant Stickman, and the Defendant Tobias are liable to Mr. Giles for having him prosecuted without probable cause in that they subjectively knew that they were fabricating the charges against him for the purpose of prosecuting him.

40. As a direct and proximate result of the Defendant Dedmon's, the

Defendant Stickman's, and the Defendant Tobias' violation of Mr. Giles' constitutional rights, Mr. Giles suffered injury to his property and person.

Claim 3 (Retaliation)

41. The Defendant Dedmon, the Defendant Stickman, and the Defendant Tobias are liable to Mr. Giles for retaliating against him by bringing false charges against him for his exercise of freedom of speech because Mr. Giles called Defendant Tobias a "stinking nigger" at his gate, because Mr. Giles told all three defendants "get the fuck out of here if you don't have a warrant" at his gate and because Mr. Giles told Defendant Tobias, "You look like you've got a little dick" after he was arrested and put in handcuffs in front of his mother at his childhood home.

42. As a direct and proximate result of the Defendant Dedmon's, the Defendant Stickman's, and the Defendant Tobias' violation of Mr. Giles' constitutional rights, Mr. Giles suffered injury to his property and person.


PRAYER FOR RELIEF

43. Mr. Giles prays for the following relief:

1. actual damages in an amount to be determined by the trier of fact;
2. compensatory damages for emotional distress, suffering, inconvenience, mental anguish, humiliation, shame, loss of self-esteem, fear, embarrassment, and injury to reputation and professional standing which Mr. Giles has suffered or may suffer in the future;
3. punitive damages;
4. reasonable attorney's fees; and

5. reasonable costs;

Respectfully submitted, this the 30th day of November 2021.



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pro se

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